

Ord mail to:

City Clerk's Office
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

DOC # 2001-119655

03/23/2001 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



FREE RECORDING

This instrument is for the benefit
of the City of Riverside and is
entitled to be recorded without
fee (Government Code §6103)

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Project: CU-019-001
Sam's Club Fueling Station
A.P.N. 291-450-041

D - 14676



AVIGATION EASEMENT
(MARCH AIR RESERVE BASE)

WHEREAS **SAM'S REAL ESTATE BUSINESS TRUST**, a Delaware business trust,
hereinafter called the "Grantor", is/are the owner(s) in fee of that certain real property as
described in Exhibit "A" attached hereto and incorporated herein by this reference, located
in the City of Riverside, County of Riverside, State of California, hereinafter called "the
property of the Grantor"; and

WHEREAS the property of the Grantor is located within the Air Installation
Compatible Use Zone (AICUZ) for March Reserve Base, operated by the Department of
Defense of the United States of America, and within the flight path of aircraft operating
from said Reserve Base; and

WHEREAS the Grantor has sought approval from the City of Riverside for the
development of the property of the Grantor by the project above-referenced; and

WHEREAS the City of Riverside has conditioned the approval of such project by
requiring the granting of an avigation easement over the property of the Grantor;

... THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the CITY OF RIVERSIDE, a municipal corporation of the State of California, hereinafter referred to as "Grantee", its successors and assigns, for the use and benefit of the public, including, but not limited to, the United States Armed Forces, a perpetual easement and right of flight for the passage of aircraft by whomsoever owned and operated in the airspace above the surface of the property of the Grantor as described in said Exhibit "A", together with the right to cause in said airspace such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may be inherent in the operation of aircraft. "Aircraft" is defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air.

Grantor hereby acknowledges that March Reserve Base is an operating airport subject to increases in the intensity of use and operation, including present and future noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, and fuel particles and related conditions, and Grantor hereby fully waives, remises and releases any right or cause of action which Grantor may now or in the future have against Grantee, its successors and assigns, due to such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may be caused by the operation of aircraft landing at or taking off from, or operating at or on March Reserve Base or other airport or air facility which is or may be located at or near the site of said March Reserve Base. Said waiver and release shall include, but not be limited to, claims known or unknown for damages for physical or emotional injuries, discomfort, inconvenience, property damage, interference with use and enjoyment of property, diminution of property values, nuisance or inverse condemnation or for injunctive or other



Extraordinary or equitable relief.

Grantor, on the behalf of Grantor and the successors and assigns of Grantor, agrees not to construct or permit the construction or growth of any structure, tree or other object that obstructs or interferes with the use of the rights herein granted or that creates electrical interference with radio communication between any installation at March Reserve Base and aircraft, or to cause difficulty for pilots to distinguish between airport lights and other lights or to impair visibility in the vicinity of March Reserve Base, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said March Reserve Base.

The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the property of the Grantor for any lawful purpose below minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority, provided all applicable federal, state and local regulations pertaining to height restrictions are adhered to.

IT IS UNDERSTOOD AND AGREED that this easement and the rights and restrictions herein created shall run with the land and shall be binding upon the Grantor and the heirs, administrators, executors, successors and assigns of Grantor.



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Dated

January 12, 2001

**SAM'S REAL ESTATE BUSINESS
TRUST, a Delaware business trust**

By: 

Kim Saylor, Director of Leasing,
Wal-Mart Realty 

Attest:

By:

Jennifer Hedges

Its:

Realty Manager



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GENERAL ACKNOWLEDGEMENT

State of Arkansas

County of BENTON

ss

On 01/12/01, before me Laurie G. Miller
(date) (name)

a Notary Public in and for said State, personally appeared

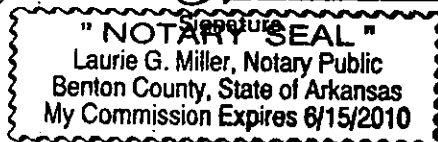
Kim Saylor

Name(s) of Signer(s)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Laurie G. Miller



CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, California, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to authority conferred by Resolution No. 18233 of said City Council adopted May 11, 1993, and the grantee consents to recordation thereof by its duly authorized officer.

Dated

3/13/01

APPROVED AS TO FORM

Kim M. Vincent 3-5-01
SUPERVISING DEPUTY CITY ATTORNEY

CITY OF RIVERSIDE

[Signature]

Real Property Services Manager
of the City of Riverside

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
() Corporate Officer(s)

Title

Title

- () Guardian/Conservator
() Individual(s)
() Trustee(s)
() Other

- () Partner(s)
() General
() Limited

The party(ies) executing this document is/are representing:



EXHIBIT "A"

ALL OF PARCELS 6 THROUGH 9 AND PORTIONS OF PARCELS 4, 5, 10, 11, 12 AND 13 OF PARCEL MAP 19617, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 128 OF PARCEL MAPS, AT PAGES 91 THROUGH 103, INCLUSIVE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

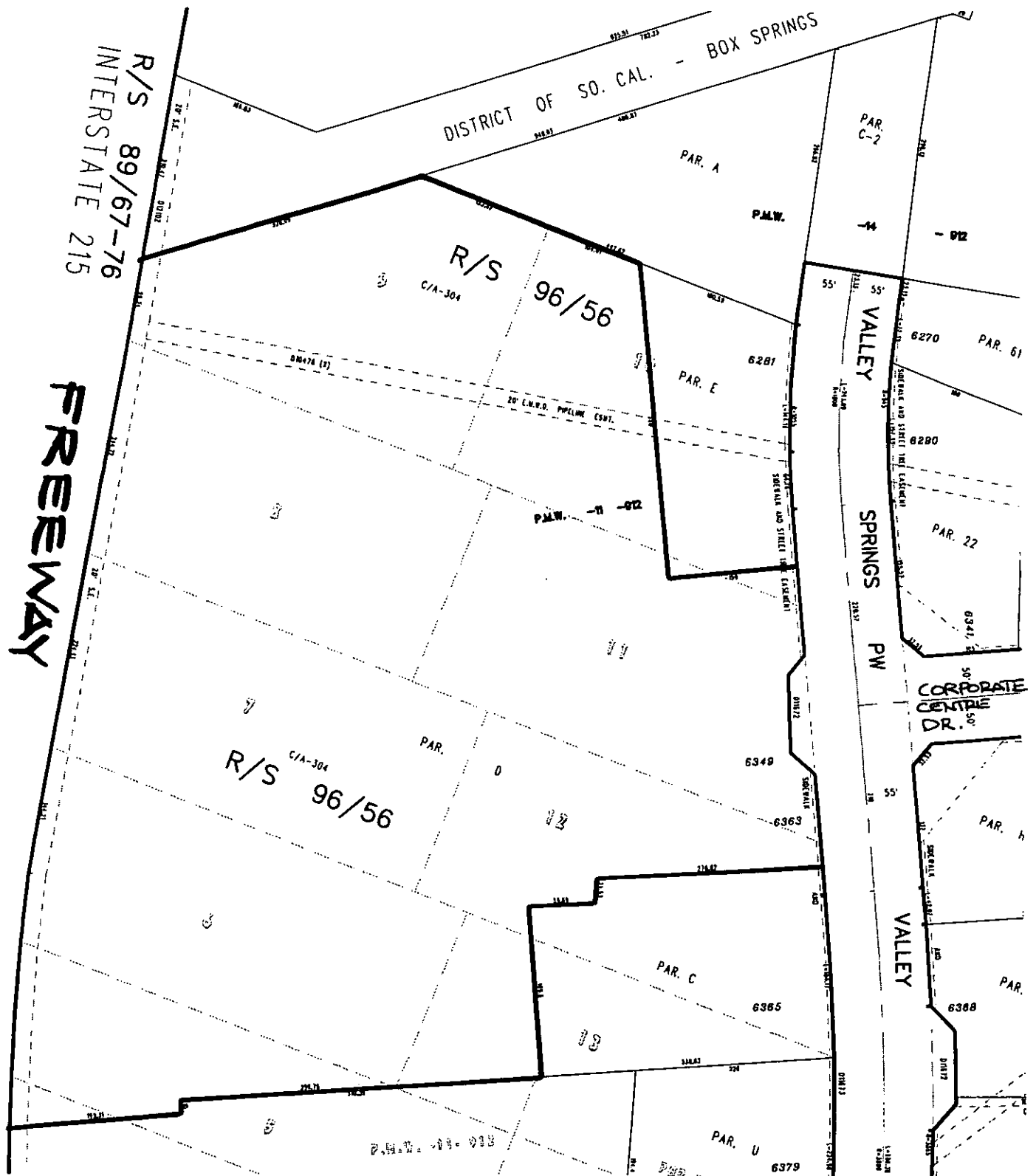
BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 9, SAID CORNER BEING THE INTERSECTION OF THE EAST LINE OF INTERSTATE 215 WITH THE SOUTHEAST LINE OF THE MWD FEE PARCEL AS SHOWN ON SAID PARCEL MAP 19617;
THENCE ALONG SAID SOUTHEAST LINE NORTH 51° 35' 29" EAST, 328.09 FEET TO THE NORTH LINE OF SAID PARCEL 9;
THENCE ALONG THE NORTH LINES OF SAID PARCELS 9 AND 10, SOUTH 89° 25' 26" EAST, 257.03 FEET;
THENCE LEAVING SAID NORTH LINE, SOUTH 25° 52' 57" EAST, 350.00 FEET;
THENCE NORTH 64° 07' 03" EAST, 150.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE VALLEY SPRINGS PARKWAY;
THENCE ALONG SAID WEST RIGHT OF WAY SOUTH 25° 52' 57" EAST, 339.76 FEET;
THENCE LEAVING SAID WEST RIGHT OF WAY LINE, SOUTH 64° 07' 03" WEST, 276.62 FEET;
THENCE SOUTH 25° 52' 57" EAST, 34.53 FEET;
THENCE SOUTH 64° 07' 03" WEST, 59.69 FEET;
THENCE SOUTH 25° 52' 57" EAST, 189.60 FEET;
THENCE SOUTH 64° 07' 03" WEST, 399.76 FEET;
THENCE SOUTH 25° 52' 57" EAST 10.00 FEET;
THENCE SOUTH 64° 07' 03" WEST, 193.31 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 4, SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2980.00 FEET, AND TO WHICH A RADIAL LINE BEARS SOUTH 70° 07' 53" WEST;
THENCE NORTHERLY, 291.78 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 36' 36" TO A POINT ON SAID EAST LINE OF SAID INTERSTATE 215;
THENCE ALONG SAID EAST LINE, NORTH 10° 41' 59" WEST, 703.60 FEET TO SAID POINT OF BEGINNING.

Said land also known as Parcel D of Parcel Map Waiver No. 11-912 recorded as Instrument No. 74918 in the office of the County Recorder of Riverside County, California on March 4, 1992.

DESCRIPTION APPROVAL 12/28/00
K. Shout
for SURVEYOR, CITY OF RIVERSIDE



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